



MIAMI BEACH

Office of the City Manager

MEMORANDUM

TO: Management Team

FROM: Jorge M. Gonzalez, City Manager

DATE: March 10, 2006

SUBJECT: Disciplinary Guidelines for Classified Employees

In an effort to facilitate and expedite the City's disciplinary process for classified employees, certain enhancements to the current process have been made. Several meetings with Human Resources, Legal and the key departments most affected by the disciplinary process have taken place over the past few months in order to ensure that this process is a fair and consistent one.

The disciplinary process detailed below provides specific guidance to the Management Team. The process is outlined in the form of the following questions and answers:

1. Who prepares disciplinary actions and how is a disciplinary action routed?

Verbal and written reprimands are prepared by the individual departments. Copies of these reprimands shall be maintained by the department and a copy placed in the employee's department personnel file.

Suspensions and terminations are prepared by the Employee Relations Manager in the Human Resources and Risk Management Department in coordination with the individual departments utilizing the following steps:

- a) The Department Director requesting the disciplinary action shall forward the details of the case on a disk to the Director of Human Resources and Risk Management. The disk should include the factual allegations of the incident at issue and the operating procedures, work rules, and/or personnel rules that have been violated. Please also make sure to provide a timeline of the employee's prior disciplinary history, prior discussions, and evaluations which reflect a similar deficiency. Supporting documentation such as witness statements, a statement from the employee if appropriate (except Police and Fire), incident reports, internal affairs investigative reports, and other relevant documents shall be provided by hard copy and also on a disk if at all possible. The information provided should not specify the level of discipline to be applied (this is to be determined after a review of the case and other similar cases within the City). All prior disciplinary actions and/or discussions should be provided in hard copies.
- b) The Employee Relations Manager will draft an "Intent to Discipline" for review by the Director of Human Resources and Risk Management. It will then be sent to the Department Director for review and approval. The Director of Human Resources and Risk Management and the Department Director should come to agreement as to the content of the disciplinary action, the charges, and the extent of discipline to be served based on the facts available for the pre-determination hearing. In cases where

the Department Director and the Director of Human Resources and Risk Management do not agree on the level of discipline, the City Manager shall make the final decision after hearing from both parties.

- c) The Employee Relations Manager shall forward the "Intent to Discipline" to the City Attorney's Office for review/form approval and Legal will consult with Labor Relations.
- d) When the "Intent to Discipline" is signed by the Director of Human Resources and Risk Management and form approved by Legal, the Employee Relations Manager will notify the Department Director for pick-up. The Department Director shall sign the "Intent to Discipline" where indicated and arrange for the employee to be served with the document. Upon service, the Department server shall sign and date where indicated. The employee shall be directed to the page which provides for the employee's signature and written response to the action. After the employee signs the "Intent to Discipline" to acknowledge receipt, the Department Director shall fill in the date and time of the predetermination hearing. The predetermination hearing shall be held at least 24 hours following the service to the employee, whenever possible. The Director of Human Resources and/or Employee Relations Manager will attend the predetermination hearing. The date and time of the predetermination hearing will be confirmed with the Employee Relations Manager via e-mail.
- e) The Department will make a copy of the "Intent to Discipline" with all of the aforementioned signatures and predetermination information filled-in. The employee should be given a copy of the intent document and attachments at this stage. The Department should keep a copy for their files and forward the original to the Employee Relations Manager.
- f) Information provided by the employee at the predetermination hearing may or may not result in changes to the "Intent to Discipline". If the Director of Human Resources and Risk Management and the Department Director agree, the action may be amended and forwarded back to the City Attorney's Office for form approval. In cases where the Department Director and the Director of Human Resources and Risk Management do not agree upon the level of discipline, the City Manager shall make the final decision after hearing from both parties. After final consensus has been reached, the appropriate signatures will be obtained on the final disciplinary action.
- g) If there are no changes with the "Intent to Discipline", the Employee Relations Manager will forward the "Final Disciplinary Action" to the Director of Human Resources and the Department Director if he/she is not the signatory on the intent disciplinary action for signature. The Department Director should sign the final disciplinary recommendation memo to the City Manager. The "Final Disciplinary Action" shall then be forwarded to the City Manager for approval and signature. The City Manager makes the final determination on all suspensions and terminations.
- h) Once signed by the City Manager, the Department Director shall be forwarded the Final Disciplinary Action with original signatures to serve on the employee. The server and the employee shall execute in the designated places to acknowledge receipt with a copy provided to the employee and kept by the Department. The Department payroll coordinator is notified of the suspension/termination date and assures proper notation on payroll document. The original shall be returned to the Employee Relations Manager for placement in the employee's personnel file. The Employee Relations Manager shall notify the Compensation Division with the date of the suspension or termination.

II. Who has the authority to recommend and sign off on disciplinary actions and who makes the final determination as to employee suspensions and terminations?

The Appointing Officer, who is the Department Director or his/her designee, and the Director of Human Resources and Risk Management, will recommend disciplinary action for an employee in the Classified Service. The City Manager has the final authority to approve all suspensions and terminations.

III. Can an Appointing Officer send an employee home due to a disciplinary infraction or a reasonable suspicion that an infraction has occurred and can an employee be sent home during a disciplinary investigation?

Employees should not be sent home without the approval of the City Manager or designee, unless there are mitigating circumstances, such as the employee posing a possible or actual threat of harm to the workplace or property, other employees, or to himself/herself. An employee may be reassigned pending a disciplinary investigation. Human Resources must be notified before an employee is reassigned or sent home, unless there are mitigating circumstances. Human Resources will be responsible for notifying the City Manager if such action is being taken. If the City Manager determines that there is no other option but to send an employee home, written notice must be prepared as soon as possible and provided to the employee before sending the employee home. Sample letters will be made available for use by the departments. Such letters must be signed by the Department Director and forwarded to Human Resources before serving the employee with the letter. Be aware that sending an employee home at this stage is not a final disciplinary action.

Employees should not be sent home without pay unless there are compelling circumstances and the decision has been reviewed and approved by the Department Director and the Director of Human Resources, and Legal is notified.

IV. When should infractions be reported?

Disciplinary action should be initiated by the Department Director or his/her designee as soon as possible after the incident occurred or was discovered to have occurred.

V. What is the processing/turnaround time for proposed disciplinary action?

The complexity of a particular disciplinary charge/circumstance may influence the turnaround time. The City is committed to utilizing its best efforts to complete the process as expeditiously as possible. Your immediate response to requests for information and signatures is paramount.

Should you have any questions or need any additional information, please feel free to contact Mayra D. Buttacavoli in the Human Resources and Risk Management Department.

JMG/RI/MDB/mrp

cc: Donald Papy, Chief Deputy City Attorney
Kelli Cohen, First Assistant City Attorney
M. Robin Porter, Employee Relations Manager